

hierarchy (col. 1, lines 16-20). In Otto a first node functions as a server for the second node and the second node functions as a server for the third node and in the hierarchical structure, particular levels have control or precedence over other levels. In particular, in Otto, the status reporting circuitry associated with the second node collects and transmits the current status of the second node to first node (in the hierarchical/tree-based or flat network). The information revising circuitry associated with the first node then receives the current stats of the second nodes and determines whether a revision of the second node information is required. If revision of the second node is required, the first node transmits the revision to the second node (col. 2, lines 24-44).

Applicant respectfully asserts that Otto fails to teach or disclose a peripheral device connected to a network comprising a device judgment unit that judges whether another peripheral device, that is a same type as the peripheral device, is connected to the network, a transmission unit that performs transmission and reception of data over the network to and from the another peripheral device, a memory that stores a software program to be used by the peripheral device for executing prescribed operations, a type judgment unit that judges whether the another peripheral device stores, in a rewritable manner, a same type of software program as the software program stored in the memory, the same type of software program being software to be used by the another peripheral device for executing prescribed operations, an old/new judgment unit that, when the device judgment unit judges that another peripheral device is connected to the network and the type judgment unit judges that the another peripheral device stores the same type of software program in a rewritable manner, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory is older, and a first rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the another peripheral device is older than the software stored in the memory, rewrites the same type of

software program stored in the another peripheral device into the software program stored in the memory as recited in claim 1 and as similarly recited in claims 4, 6, 10, 17 and 19.

For at least these reasons, Applicant respectfully asserts that Otto fails to teach or disclose all the features of claims 1, 4 and 6 as well as all the features of claims 2 and 3, 5 and 7-8, which depend from claims 1, 4 and 6, respectively. It is respectfully requested that the rejection be withdrawn.

Claims 9-19 are rejected under 35 U.S.C. §103(a) over Otto in view of Herrmann et al. (hereinafter "Hermann"). The rejection is respectfully traversed.

Applicants respectfully submit that although the Office Action rejects claims 9-19 under 35 U.S.C. 103(a) in view of the combination of Otto and Hermann, in the explanation the of rejection of each of the independent claims 10, 12, 15, 17 and 19, the Office Action refers only to the rejection of claim 1 under 35 U.S.C. §102(e) over Otto alone. Thus, Applicant respectfully submits that the discussion of the deficiencies of Otto with respect to claims 1-8 also applies to claims 9-19 and therefore, Applicant respectfully submit that Otto also fails to teach or disclose all the features of claims 9-19.

In addition, with regard to claims 10, Applicants respectfully submit that Otto also fails to teach, disclose or suggest a network system comprising a peripheral device comprising a first rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the memory of the another peripheral device is older than the software stored in the memory of the peripheral device, rewrites the same type of software program stored in the memory of the another peripheral device into the software program stored in the memory of the peripheral device and a second rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the memory of the another peripheral device is newer than the software stored in the memory of the peripheral device, rewrites the software program stored in the memory of the peripheral

device into the same type of software program stored in the memory of the another peripheral device as recited in claim 10.

With regard claims 12 and 15, Applicant respectfully submits that nowhere in Otto does Otto teach, disclose or suggest a memory medium storing programs comprising a first program of judging whether a peripheral device connected to a network stores, in a rewritable manner, the same type of software program as a software program stored in a reference memory accessible through the network, a second program of judging which of the same type of software program stored in the peripheral device and the software program stored in the reference memory is older when the peripheral device is judged to store the same type of software program in a rewritable manner and a third program of rewriting the same type of software program stored in the peripheral device in the manner of the software program stored in the reference memory when the same type of software program stored in the peripheral device is judged to be older than the software stored in the reference memory as recited in claim 12 and as similarly recited in claim 15.

In addition, Applicant respectfully submits that Hermann fails to overcome the deficiencies of Otto as applied to claims 10, 12, 15, 17 and 19.

For at least these reasons, Applicant respectfully asserts that the combination of Otto and Herrmann fails to teach, disclose or suggest all the features of claims 10, 12, 15, 17 and 19 as well as all the features of claims 11, 13 and 14, 16, and 18, which depend from claims 10, 12, 15 and 17, respectively. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 - 25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Appendix
Request for Continued Examination
Petition for Extension of Time
Amendment Transmittal

Date: September 26, 2002

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

APPENDIX

Changes to Claims:

Claims 20-25 are added.

The following is a marked-up version of each amended claim:

1. (Twice Amended) A peripheral device connected to a network comprising:
a device judgment unit that judges whether another peripheral device, that is
a same type as the peripheral device, is connected to the network;
a transmission unit that performs transmission and reception of data over the
network to and from the another peripheral device ~~connected to the network;~~
a memory that stores a software program to be used by the peripheral device
for executing prescribed operations;
a type judgement unit that judges whether the another peripheral device
stores, in a rewritable manner, a same type of software program as the software program
stored in the memory, the same type of software program being software to be used by the
another peripheral device for executing prescribed operations;
an old/new judgement unit that, when the device judgment unit judges that
another peripheral device is connected to the network and the type judgement unit judges that
the another peripheral device stores the same type of software program in a rewritable
manner, judges which of the same type of software program stored in the another peripheral
device and the software program stored in the memory is older; and
a first rewrite unit that, when the old/new~~new/old~~ judgement unit judges that
the same type of software program stored in the another peripheral device is older than the
software stored in the memory, rewrites the same type of software program stored in the
another peripheral device into the software program stored in the memory.

2. (Twice Amended) A peripheral device as claimed in claim 1, wherein the memory stores the software program in a rewritable manner, and further comprising a second rewrite unit that when the old/new judgement unit judges that the same type of software program stored in the another peripheral device is newer than the software stored in the memory, rewrites the software program stored in the memory into the same type of software program stored in the another peripheral device.

3. (Twice Amended) A peripheral device as claimed in claim 1, wherein the type judgement unit performs judgement for all other peripheral devices connected to the network; and the old/new judgement unit performs judgement on the all other devices that are judged to store the same type of software program by the type judgement unit.

4. (Twice Amended) A peripheral device connected to a network comprising:
a device judgment unit that judges whether another peripheral device, that is a same type as the peripheral device, is connected to the network;

a transmission unit that performs transmission and reception of data over the network to and from the another peripheral device ~~connected to the network~~;

a memory that stores a software program in a rewritable manner, the software program being software used by the peripheral device for executing prescribed operations;

a type judgement unit that judges whether the another peripheral device stores a same type of software program as the software program stored in the memory;

an old/new judgement unit that, when the device judgment unit judges that the another peripheral device is connected to the network and the type judgement unit judges that the another peripheral device stores the same type of software program, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory is newer; and

a rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the another device is newer than the software stored in the memory, rewrites the software program stored in the memory into the same type of software program stored in the another device.

5. (Twice Amended) A peripheral device as claimed in claim 4, wherein the type judgement unit performs judgement for all other devices connected to the network; and the old/new judgement unit performs judgement on all other devices that are judged to store the same type software program by the type judgement unit.

6. (Twice Amended) A network system comprising:
a network;
a peripheral device connected to the network; and
another peripheral device connected to the network and having a memory that stores, in a rewritable manner, a software program to be used by the another peripheral device for executing prescribed operations, the peripheral device comprising:

a transmission unit that performs transmission and reception of data over the network to and from the another peripheral device;

a memory that stores a software program to be used by the peripheral device for executing prescribed operations;

a type judgement unit that judges whether the another peripheral device stores a same type of software program as the software program stored in the memory of the peripheral device;

an old/new judgement unit that, when the type judgement unit judges that the another peripheral device stores the same type of software program in a rewritable manner, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory of the peripheral device is older; and

a first rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the another peripheral device is older than the software program stored in the memory of the peripheral device, rewrites the same type of software program stored in the another peripheral device into the software program stored in the memory of the peripheral device.

7. (Twice Amended) The network system as claimed in claim 6, wherein the memory stores the software program in a rewritable manner, and further comprising a second rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the another peripheral device is newer than the software program stored in the memory of the peripheral device, rewrites the software program stored in the memory of the peripheral device into the same type of software program stored in the another peripheral device.

8. (Twice Amended) The network system as claimed in claim 6, wherein the type judgement unit performs judgement for all other peripheral devices connected to the network; and the old/new judgement unit performs judgement on all other peripheral devices that are judged to store the same type software program by the type judgement unit.

10. (Amended) A network system comprising:

- a network;
- a peripheral device connected to the network; and
- another peripheral device connected to the network and having a memory that stores, in a rewritable manner, a software program, the peripheral device comprising:
 - a transmission unit that performs transmission and reception of data over the network to and from the another device;
 - a memory that stores a software program in a rewritable manner;

a type judgement unit that judges whether the another peripheral device stores the same type of software program as the software program stored in the memory of the peripheral device;

an old/new judgement unit that, when the type judgement unit judges that the another peripheral device stores the same type of software program, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory of the peripheral device is newer;

a first rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the memory of the another peripheral device is older than the software stored in the memory of the peripheral device, rewrites the same type of software program stored in the memory of the another peripheral device into the software program stored in the memory of the peripheral device; and

a second rewrite unit that, when the old/new judgement unit judges that the same type of software program stored in the memory of the another peripheral device is newer than the software stored in the memory of the peripheral device, rewrites the software program stored in the memory of the peripheral device into the same type of software program stored in the memory of the another peripheral device.

17. (Amended) A printer connected to a network comprising:

a device judgment unit that judges whether another printer is connected to the network;

a transmission unit that performs transmission and reception of data over the network to and from the another printer connected to the network;

a memory that stores a firmware to be used by the printer for executing prescribed operations;

a type judgement unit that judges whether the another printer stores, in a rewritable manner, a same type of firmware as the firmware stored in the memory;

an old/new judgement unit that when the device judgment unit judges that the another printer is connected to the network and the type judgement unit judges that the another printer stores the same type of firmware in a rewritable manner, judges which of the same type of firmware stored in the another printer and the firmware stored in the memory is older in version; and

a first rewrite unit that when the old/new~~new/old~~ judgement unit judges that the same type of firmware stored in the another printer is older in version than the firmware stored in the memory, rewrites the same type of firmware stored in the another printer to the firmware stored in the memory.

18. (Amended) A printer as claimed in claim 17, wherein the memory stores the firmware in a rewritable manner, and further comprising a second rewrite unit that when the old/new judgement unit judges that the same type of firmware stored in the another printer is newer in version than the first version, rewrites the firmware stored in the memory into the same type of firmware stored in the another printer.

19. (Amended) A printer connected to a network comprising:

a transmission unit that performs transmission and reception of data over the network to and from another printer connected to the network;

a memory that stores a firmware in a rewritable manner, the firmware being firmware used by the printer for executing prescribed operations;

a type judgement unit that judges whether the another printer stores a same type of firmware as the firmware stored in the memory;

an old/new judgement unit that when the type judgement unit judges that the another printer stores the same type of software program, judges which of the same type of

firmware stored in the another printer and the firmware stored in the memory is newer in version; and

a rewrite unit that when the old/new judgement unit judges that the same type of firmware stored in the another printer is newer in version than the firmware stored in the memory, rewrites the firmware stored in the memory into the same type of firmware stored in the another printer.